

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 1815 of 1997

in

SPECIAL CIVIL APPLICATIONNo 12106 of 1994

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL and

MR.JUSTICE C.K.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

G C YADAV

Versus

KV JOSEPH

Appearance:

TANNA ASSOCIATES for Petitioner
SERVED BY DS for Respondent No. 1, 3
MR DA BAMBHANIA for Respondent No. 2

CORAM : MR.JUSTICE B.C.PATEL and

MR.JUSTICE C.K.BUCH

Date of decision: 24/12/97

ORAL JUDGEMENT (Per Patel, J.)

Without discussing whether this petition is maintainable or not as it is filed against non-implementation of the judgment and decree passed by the Civil Judge, Senior Division, Palanpur on 28.4.1990, we dispose of this application as Mr. Bambhania, learned Assistant Government Pleader has placed before us copy of an order dated 23.4.1993 bearing No. A5/Deemdate/Yadav/1993/1811 giving benefit of deemed date to the applicant. However, on a question being raised whether the applicant is placed above original defendants No. 2 to 29 or not, it is stated that he shall be placed before the original defendants No. 2 to 29 as per the judgment and decree passed by the trial Court. Order to that effect shall be passed at the earliest, preferably within a period of three weeks.

In the aforesaid view of the matter, this application stands disposed of. Notice is discharged.

(B.C. PATEL, J.)

csm./ (C.K. BUCH, J.)